

MOT

John P. Aldrich, Esq.
Nevada Bar No. 6877
Catherine Hernandez, Esq.
Nevada Bar No. 8410
ALDRICH LAW FIRM, LTD.
7866 West Sahara Avenue
Las Vegas, Nevada 89117
Tel: (702) 853-5490
Fax: (702) 227-1975
Attorneys for Defendant
American Protection Group, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AMERICAN PROTECTION GROUP, INC.,
a Nevada corporation,

CASE NO.: 2:22-CV-00492-RFB-BNW

Plaintiff,

vs.

**MOTION TO WITHDRAW AS
ATTORNEY OF RECORD FOR
PLAINTIFF AMERICAN
PROTECTION GROUP, INC.**

CERTAIN UNDERWRITERS AT
LLOYD'S, LONDON AS SUBSCRIBED TO
POLICY NUMBER MPL4147217.19;
SYNDICATE NO. 3624; HISCOX, INC. dba
HISCOX INSURANCE AGENCY; DOE
INDIVIDUALS I through X, inclusive; and
ROE CORPORATIONS I through X,
inclusive,

Defendants.

COME NOW, John P. Aldrich, Esq. and Catherine Hernandez, Esq., of the Aldrich Law Firm, Ltd., counsel for Defendant AMERICAN PROTECTION GROUP, INC. ("APG"), and move this Honorable Court for an Order permitting them and their firm to withdraw as attorney of record for Plaintiff APG.

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1 This Motion is made and based upon the pleadings and papers on file herein, the following
2 Points and Authorities, any Exhibits attached hereto, and any oral argument at the hearing of this
3 matter.

4 DATED this 20th day of September, 2022.

5 **ALDRICH LAW FIRM, LTD.**

6 /s/ John P. Aldrich
7 John P. Aldrich, Esq.
8 Nevada Bar No. 6877
9 Catherine Hernandez, Esq.
10 Nevada Bar No. 8410
11 7866 West Sahara Avenue
12 Las Vegas, Nevada 89117
13 Telephone: (702) 853-5490
14 Facsimile: (702) 227-1975
15 *Attorneys for Defendant*
16 *American Protection Group, Inc.*

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 **I.**

19 **LEGAL ARGUMENT**

20 **A. WITHDRAWAL IS APPROPRIATE**

21 Local Rule IA 11-6 permits the withdrawal of an attorney. Local Rule IA 11-6(e) states
22 that “Except for good cause shown, no withdrawal or substitution will be approved if it will result
23 in delay of discovery, the trial, or any hearing in the case.” The filing of this Motion is nearly one
24 four months before discovery cut-off, so counsel’s withdrawal will not delay the trial.

25 Additionally, NRPC 1.16(b) states that an attorney may be allowed to withdraw from
26 employment if:

27 (b) Except as stated in paragraph (c), a lawyer may withdraw from
28 representing a client if:

(1) Withdrawal can be accomplished without material adverse
effect on the interests of the client;

1 (2) The client persists in a course of action involving the lawyer's
services that the lawyer reasonably believes is criminal or fraudulent;

2 (3) The client has used the lawyer's services to perpetrate a crime
or fraud;

3 (4) A client insists upon taking action that the lawyer considers
repugnant or with which the lawyer has fundamental disagreement;

4 (5) The client fails substantially to fulfill an obligation to the
lawyer regarding the lawyer's services and has been given reasonable
warning that the lawyer will withdraw unless the obligation is fulfilled;

5 (6) The representation will result in an unreasonable financial
burden on the lawyer or has been rendered unreasonably difficult by the
client; or

6 (7) Other good cause for withdrawal exists.

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9 As shown by the Declaration of John P. Aldrich, Esq. in support of this Motion, the Aldrich
10 Law Firm, Ltd. cannot continue to represent the client because continued representation of the
11 client will result in an unreasonable financial burden on the lawyers' firm. Additionally, the client
12 and counsel have a fundamental disagreement on how to proceed, making continued representation
13 unreasonably difficult. Consequently, the firm can no longer represent the client. Undersigned
14 counsel has notified the client of their intent to withdraw.

15 The last known address, telephone number and/or email addresses of Plaintiff is:

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17 American Protection Group, Inc.
8551 Vesper Avenue
18 Panorama City, CA 91402
(818) 279-2433
19 sales@apg-svcs.com
20 nationalops@apg-svcs.com

American Protection Group, Inc.
2235 E. Flamingo Road
Las Vegas, NV 89119
(818) 279-2433
sales@apg-svcs.com
nationalops@apg-svcs.com

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II.

CONCLUSION

Counsel of record, John P. Aldrich, Esq. and Catherine Hernandez, Esq., respectfully request that this Court grant their Motion to Withdraw as Counsel of Record.

DATED this 20th day of September, 2022.

ALDRICH LAW FIRM, LTD.

/s/ John P. Aldrich

John P. Aldrich, Esq.

Nevada Bar No. 6877

Catherine Hernandez, Esq.

Nevada Bar No. 8410

7866 West Sahara Avenue

Las Vegas, Nevada 89117

Telephone: (702) 853-5490

Facsimile: (702) 227-1975

Attorneys for Plaintiffs/Counterdefendants

ORDER

IT IS ORDERED that ECF No. 11 is GRANTED subject to the following orders:

IT IS ORDERED that Plaintiff's counsel is directed to serve Plaintiff with a copy of this order.

IT IS FURTHER ORDERED that Plaintiff must obtain counsel and their counsel must file a notice of appearance by October 19, 2022. Plaintiff is advised that because it is a corporation, it cannot represent itself and must be represented by an attorney in this action. See *In re Am. W. Airlines*, 40 F.3d 1058, 1059 (9th Cir. 1994) (stating that "[c]orporations and other unincorporated associations must appear in court through an attorney."). Plaintiff further is advised that failure to retain an attorney may result in the imposition of sanctions under Local Rule IA 11-8.

IT IS SO ORDERED

DATED: 3:05 pm, September 21, 2022



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

**DECLARATION OF JOHN P. ALDRICH, ESQ. IN SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL OF RECORD**

State of Nevada)
) ss
County of Clark)

Affiant, being first duly sworn, deposes and states the following:

1. I, John P. Aldrich, am an attorney licensed to practice in the State of Nevada and am the founding party of the Aldrich Law Firm, Ltd.

2. My office address is 7866 West Sahara Avenue, Las Vegas, Nevada 89117.

3. I have personal knowledge of the contents of this document, or where stated upon information and belief, I believe them to be true and I am competent to testify to the facts set forth herein.

4. The Aldrich Law Firm, Ltd. cannot continue to represent the client because continued representation of the clients will result in an unreasonable financial burden on the law firm. Additionally, the client and counsel have a fundamental disagreement on how to proceed, making continued representation unreasonably difficult. Consequently, the firm can no longer represent the client. I have notified the client of our intent to withdraw.

5. The last known address, telephone number and email addresses of Plaintiff is:

American Protection Group, Inc.
8551 Vesper Avenue
Panorama City, CA 91402
(818) 279-2433
sales@apg-svcs.com
nationalops@apg-svcs.com

American Protection Group, Inc.
2235 E. Flamingo Road
Las Vegas, NV 89119
(818) 279-2433
sales@apg-svcs.com
nationalops@apg-svcs.com

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1 I declare under penalty of perjury that the foregoing is true and correct to the best of my
2 knowledge.

3 Dated this 20th day of September, 2022.

4 /s/ John P. Aldrich
5 JOHN P. ALDRICH
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of September, 2022, I caused the foregoing
**MOTION TO WITHDRAW AS ATTORNEY OF RECORD FOR PLAINTIFF
AMERICAN PROTECTION GROUP, INC.** to be electronically filed and served with the Clerk
of the Court using Wiznet which will send notification of such filing to the email addresses denoted
on the Electronic Mail Notice List, or by U.S. mail, postage prepaid, if not included on the
Electronic Mail Notice List, to the following parties:

Brian K. Walters, Esq.
GORDON REES SCULLY MANSUKHANU
300 S. 4th Street, Suite 1550
Las Vegas, NV 89101
Attorneys for Defendants

American Protection Group, Inc.
8551 Vesper Avenue
Panorama City, CA 91402
(818) 279-2433
sales@apg-svcs.com
nationalops@apg-svcs.com

American Protection Group, Inc.
2235 E. Flamingo Road
Las Vegas, NV 89119
(818) 279-2433
sales@apg-svcs.com
nationalops@apg-svcs.com

/s/ T. Bixenmann
An employee of ALDRICH LAW FIRM, LTD.